

REMARKS

The Office Action mailed September 10, 2007 has been carefully considered. Claims 1 and 5 have been amended, claims 4 and 12 have been cancelled and new claim 17 has been added. The application now contains Claims 1-3, 5-11, 13-17. The total number of claims is still less than 21 and the total number of independent claims is less than 4, so no fee is due for the claims.

Applicant hereby petitions for a two-month extension of time under 37 CFR 1.136. The fee for such petition is enclosed.

In the Office Action, the Examiner rejected claims 1-3, 6, 9, 10 & 13 under 35 U.S.C. §103(a) as being unpatentable over Singer (U.S. Patent No. 1,486,695) in view of Nelson (US Pat. No. 1852471). Claims 4-7, 12 and 14-17 were objected to as being dependent upon a rejected base claim, but the Examiner indicated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With respect to claims 16 & 17, inasmuch as each such claim is an independent claim, applicant assumes the Examiner meant that such claim was allowable.

In response to the Examiner's prior art argument, Applicant has closely studied both Singer ('695) and Nelson('471). Applicant submits that Nelson teaches a three dimensional shelving system whereby the shelves are horizontally continuous from one end of the display to the other end (Nelson Fig. 1). The shelves are constructed by inserting a rigid shelf member (2, 3) through L-shaped slots (8) (Nelson Fig. 2) from one terminal end (1) to the other (1). This technique would not work in combination with Singer because Singer is not a planar display (Figs 7, 8 & 9). Singer is a foldable display, not planar like Nelson, therefore the shelving in Nelson could not be applied to Singer because the shelving in Nelson is straight from one end to

the other, and if such shelving was applied in Singer, the display would topple over. In fact Singer teaches directly away from a planar display as discussed below.

Singer and Nelson teach opposite and incompatible purposes. Singer teaches that the display box must be set up in an angular position to keep the display from toppling over. This is necessitated by the thin and lightweight construction (Singer, page 1, line 21-35; page 2, line 39-line 69). On the other hand Nelson is striving to provide a solid, massive, and rigid accordion construction in a singular plane with no flexibility whatsoever (Nelson, page 1, lines 21-23, page 2, lines 51-54). Further Singer teaches that the center panel should be free from shelving so as to provide a clear flat space for advertising (Singer page 3, lines 35-55). If one were to combine the Nelson shelving with the Singer design, there would be no clear center panel for such. Therefore in light of the above arguments, applicant respectfully submits that it would not be obvious to one skilled in the art to combine the elements of Singer and Nelson, and even if one were able to do so, such combination of elements would not result in an equivalent invention as claimed by the applicant.

Applicant has amended his independent claim 1 to claim only the shelving in each separate tray (Applicant's Fig. 7). Applicant submits that the newly amended claim 1 recites language patently distinguishable from Singer and Nelson alone or in combination. Thus Applicant contends that claim 1 and its dependents, claims 2-3, 5-11, 13-15 are now in condition for immediate allowance.

The Examiner previously stated that claims 16 & 17 were allowable. Applicant has made minor amendments to these claims to conform with best claim language and therefore the claims are now in clearer form.

Given the Examiner's comments relative to claims 2, 3, 6, 9, 10, 13 and applicant's amendment to claim 1, applicant submits that amended claim 1 patentably distinguishes over the references cited by the Examiner taken alone or in combination. Applicant further submits that dependent claims 2-3, 5-11 and 13-15 distinguish over the references of record for the same reason as claim 1 (amended), and are therefore also in condition for immediate allowance. Claim 16 & 17 are presumed to have been allowed by the Examiner.

In light of the amendments and remarks, applicant respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

If the Examiner believe a telephone call with the Applicant's representative would assist the prosecution of this case, the Examiner is hereby invited by the Applicant to do so.

Respectfully submitted,



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